IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 408 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR PRABHAKAR UPADHYAY for MR MUKESH H RATHOD
for Petitioner No. 1-2
RULE SERVED for Respondent No. 1
MR MD PANDYA for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI

Date of decision: 27/08/2004

ORAL JUDGEMENT

#. The petitioners have prayed for a direction on the respondent - Electricity Board to decide the question of seniority as per the letter dated 4.12.91 issued by the Deputy General Manager (P & IR) and to direct the Board to fix the seniority of the petitioners and to promote them as per seniority.

#. When this petition is called out for hearing, it is pointed out by the learned counsel for the respondent that seniority of these petitioners in the category of Helper was prepared as on 1.4.91. A copy of that seniority list is placed on record where the names of the petitioners appear at Srs.Nos. 4 (petitioner no. 2) and 15 (petitioner no.1). It is clear from this seniority list of Helper/Khalasi that their names are arranged as per their dates of entry in the department.

#. It is then stated on behalf of the respondent-Board that the petitioners were appointed to the higher post of Wireman on 2.4.98 (petitioner no. 2) and 15.2.2001 (petitioner no. 1). The record showing their selection and appointment is shown even to the learned counsel for the petitioners. Even the Service Books of the petitioners which are shown to the learned counsel for the petitioners and to the Court, show that both the petitioners were appointed to the said higher post.

#. In the above view of the matter, since the seniority of the petitioners was already fixed even prior to the filing of the petition, which fact ought to have been pointed out to the Court and they have been appointed to the higher post on the basis of their entry in the department, the petition has become infructuous and is rejected as having become infructuous. Rule is discharged with no order as to costs. Interim relief is vacated.

[R.K. ABICHANDANI, J.]
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